

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: April 16, 2003
Bulk Item: Yes No X

Division: Growth Management
Department: N/A

AGENDA ITEM WORDING:

Approval of Interlocal Agreement between the City of Marathon and Monroe County for the transfer of affordable ROGO allocations and nutrient reduction credits.

ITEM BACKGROUND:

The City of Marathon has requested that Monroe County transfer to the City an additional 75 affordable ROGO allocations and nutrient credits from the County's available pool of ROGO allocations and nutrient reduction credits (see enclosed City Manager letter). The City and County had previously reached agreement under an Interlocal Agreement dated September 18, 2002, for the transfer of 67 ROGO allocations from the pool of 201 affordable ROGO allocations authorized to the County by its May 2001, Memorandum of Agreement with the Florida Department of Community Affairs (DCA).

After the Planning Commission approves ROGO allocations for Quarter 2, ROGO Year 11, the County will have a total of 110 affordable ROGO allocations available including 71 from the 201 authorized under the DCA-County Memorandum of Agreement. The County will have no affordable housing nutrient credits available.

As the County has no proposals for large-scale affordable housing projects in its development review and approval pipeline, the Growth Management Division can recommend the transfer of 75 allocations for affordable housing. However, as the County has no nutrient reduction credits available for affordable housing, the staff can not recommend the transfer of any nutrient reduction credits to the City. The proposed Interlocal Agreement reflects this staff recommendation.

Although the County staff has received some assurances from City staff concerning the disposition of the 67 allocations transferred to the City, it is still concerned these allocations are not being used in accordance with the County's Memorandum of Agreement with DCA that limits those allocations to tenants with total household incomes of no more than 120 percent of the Monroe County median. [The City's definition of household eligible for affordable housing is 160 percent of the median.] The proposed Interlocal Agreement contains specific requirement that such affordable housing allocations are limited to households with incomes of 120 percent of the median or less.

PREVIOUS RELEVANT BOARD ACTION:

Approved Interlocal Agreement with City of Marathon for transfer of 67 ROGO allocations in September 2002.

CONTRACT/AGREEMENT CHANGES: Possible

STAFF RECOMMENDATION: Approval (ROGO allocations only)

TOTAL COST: N/A

BUDGETED: Yes No N/A

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____ N/A

REVENUE PRODUCING: Yes N/A No

AMOUNT PER MONTH N/A YEAR

APPROVED BY: County Attorney X

OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:

Timothy J. McGarry, AICP

DOCUMENTATION: Included X

To follow 0 Not Required

DISPOSITION: _____

AGENDA ITEM #: 114

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF MARATHON, FLORIDA, AND
MONROE COUNTY, FLORIDA, TRANSFERRING
AFFORDABLE HOUSING ALLOCATIONS**

This Agreement ("Agreement") is being entered into by and between the City of Marathon, Florida ("City") and Monroe County, Florida ("County") to allocate affordable ROGO allocations (the "ROGO Allocations") from the County to the City.

WITNESSETH

WHEREAS, the City and County have been declared an Area of Critical State Concern pursuant to Sections 380.05 and 380.0552, Florida Statutes; and

WHEREAS, the City and the County entered into an Interlocal Agreement dated September 18, 2002, to transfer sixty-seven (67) ROGO Allocations to the City to provide opportunities for affordable housing within the corporate limits of Marathon as provided by the County's Memorandum of Agreement with the Florida Department of Community Affairs authorizing the release to the County of 201 affordable housing allocations; and

WHEREAS, the City has requested seventy-five (75) additional ROGO allocations for affordable housing to provide an adequate pool of affordable allocations to allow for needed larger-scale multi-family affordable housing projects; and,

WHEREAS, after allocations are approved by the Planning Commission for Second Quarter, ROGO Year 11, the County will have 110 ROGO allocations for affordable housing available, which includes seventy-one (71) allocations remaining from allocations provided to

the County under a Memorandum of Agreement with the Florida Department of Community Affairs; and,

WHEREAS, the County has no applications for an large-scale affordable housing projects in the development approval process; and,

WHEREAS, the City of Marathon is an appropriate location for affordable housing as it has the needed private and public infrastructure to serve such development and is in close proximity to employment and commercial centers; and

WHEREAS, the City and County are authorized by Section 163.01, Florida Statutes, to enter into agreements to make the most efficient use of facilities resources and services; and,

WHEREAS, Policy 101.2.14 of the Monroe County Year 2010 Comprehensive Plan and a similar policy in the City of Marathon's Comprehensive Plan authorizes the pooling and transfer of affordable housing ROGO allocations between ROGO sub-districts and local government jurisdictions within the Florida Keys Area of Critical State Concern;

NOW, THEREFORE, the City and County do mutually agree as follows:

1. Allocations. Seventy-five (75) ROGO Allocations for affordable housing shall be allocated to the City for distribution in accordance with the City Comprehensive Plan and Land Development Regulations, except as modified in paragraph two (2) below.

2. Limitation of Allocations. The ROGO Allocations shall not be assigned to: (a) properties that would receive negative ROGO points for Habitat Protection and Threatened and Endangered Species under the City Land Development Regulations; or (b) are located within a "V" flood zone or a Coastal Barrier Resources System.

3. Affordable Housing. The affordable housing receiving these ROGO allocations under this Agreement shall be for tenants with annual household incomes of not more than 120 percent of the Monroe County median.

4 Termination of Agreement. This Agreement shall terminate upon the transfer to the City and subsequent issuance of the seventy-five (75) ROGO allocations and the completion of a final written report to the County.

5. Final Report. With sixty (60) days of the issuance of the last ROGO allocation subject to this Agreement, the City shall provide a brief written report to the County on the numbers, types, and location of units receiving an allocation authorized under this Agreement.

6. Notices. All notices must be in writing and addressed as follows (or to any other address which either party may designate by notice):

If to City: Mayor
City of Marathon
Post Office Box 500430
Marathon, Florida 33050

With a copy to: John R. Herin, Jr., Esq./Nina L. Boniske, Esq.
City Attorney
Weiss Serota Helfman Pastoriza & Guedes, P.A.
2665 South Bayshore Drive, Suite 420
Miami, Florida 33133

If to County: Mayor
Monroe County Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

With a copy to: Director of Growth Management
2798 Overseas Highway
Suite 400
Marathon, Florida 33050

Any notice shall be deemed to have been duly given if sent by certified mail, return receipt requested, postage and fees prepaid; hand delivered; or sent by overnight delivery service.

5. Miscellaneous.

a. If any term or provision of this Agreement shall be invalid or unenforceable to any extent, the remaining terms and provisions shall not be affected thereby; and each remaining term and provision shall be valid and shall be enforceable to the fullest extent permitted by law unless the enforcement of the remaining terms and provisions would prevent the accomplishment of the original intent of the agreement between the parties.

b. Each party represents and warrants to the other that the execution, delivery and performance of this Agreement has been duly authorized by all necessary corporate or other organizational action, as required.

6. Effective Date. This Agreement shall become effective upon execution by all of the parties.

[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.]

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

CITY OF MARATHON

City Clerk

By: _____
Mayor

Date: _____

Approved as to form and sufficiency:

City Attorney

BOARD OF COUNTY COMMISSIONERS
OF MONROE
COUNTY, FLORIDA

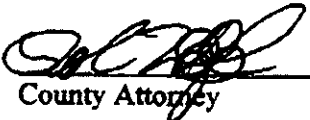
ATTEST:

County Clerk/Deputy Clerk

By: _____
Mayor

Date: _____

Approved as to form and sufficiency:

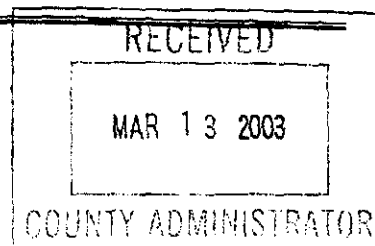


County Attorney

592003\Agreements\Interlocal Agreement for Transferring Affordable Housing Allocations - Final

**CITY OF MARATHON, FLORIDA**

10045-55 Overseas Highway, Marathon, Florida 33050
Phone: (305) 743-0033 Fax: (305) 743-3667



March 10, 2003

Board of County Commissioners
1100 Simonton St.
Key West, FL 33040

Sub: City of Marathon request for additional ROGO allocation for affordable housing

Dear County Commissioners:

I am writing on behalf of the City of Marathon to request an additional 75 ROGO's and Nutrient Credits to help us satisfy the significant interest in developing affordable housing in Marathon. As you probably understand, the availability of affordable housing in Marathon has become a significant impediment to economic development. The workforce in Marathon has been priced out of the housing market over the last few years as property values have escalated under continued pressures from Growth Management regulations.

Although the additional 75 ROGO's and Nutrient Credits we are requesting will not resolve our problems completely, I believe we can make immediate improvements to both the quality of life our workforce lives with, and improve opportunities for economic development.

The City of Marathon currently has 40 ROGO Exempts set aside for affordable housing developments. We are in the process of advertising an RFP to award these ROGO's for affordable housing development (attached). Although the RFP will not be advertised until March 15, 2003 we already have proposals that will require in excess of ROGO's.

We would appreciate your support of our efforts to increase our affordable housing stock in the near term. I would be happy to address any questions you may have regarding our request and our desire to move forward with affordable housing development.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Scott Janke".

W. Scott Janke
City Manager

1. Pescayo Village (Minor Conditional Use Application) – 42 Affordable units and 10 market rate units
2. Farrugia Tract (behind the Wooden Spoon Restaurant) 42 middle income units and 8 market rate units along the ocean. – July 2002
3. Brian Schmitt Coco Plum Proposal 33 unit – November 2002
5. Florida Keys Enterprises, Inc. – Letter of Interest – December 2002
6. William Liptak proposal Part Tract 8 Edmonds Acreage Tract – townhouse units – January 2003
7. Dan and Michelle Miller – 2 projects Coco Plum Beach – 14 units and 5 units – January 2003
8. Eugene Spano – New Urban Works – March 2003
9. Dave Daniels – Can Do Construction – March 2003
10. Thomas Wiecek, Thomas Construction – March 2003



CITY OF MARATHON, FLORIDA
REQUEST FOR PROPOSALS
FOR
AFFORDABLE HOUSING DEVELOPMENT
USING
ROGO EXEMPT ALLOCATIONS

A. REQUIREMENTS FOR SUBMISSION OF PROPOSAL

1. Time for Filing: Not later than April 15, 2003, at 5:00 pm, to City of Marathon Planning Department, 10045-55 Overseas Highway, Marathon, Florida 33050. The outer envelope in which proposal are offered should be marked "PROPOSAL FOR AFFORDABLE HOUSING DEVELOPMENT - ROGO EXEMPT ALLOCATIONS".
2. Six copies of the proposal are required. The proposal shall include at a minimum the following information:
 - a. Name and address of the engineer, architect, developer, and contractor.
 - b. Copies of current licenses and/or registration.
 - c. Name and address of the property owner.
 - d. Legal description.
 - e. Number and type of units.
 - f. Detailed site plan, dimensioned and drawn to scale, including pertinent site data such as lot area, building area, accessory uses area, open space ration, required setbacks and landscaping, base flood elevation.
 - g. Type of Construction (site-built, modular, etc.)
 - h. Typical building elevation.
 - i. Typical proposed floor plan for each type of unit (i.e. one-bedroom, two-bedroom).
 - j. Vegetation survey if the parcel is not scarified.
 - k. Project narrative including the type of construction, cost of construction, construction timelines, unit price and/or rents, date of occupancy and other information pertinent to the project.
 - l. Financial capability to construct and complete the proposed project.
 - m. Any required approvals other than a building permit such as a major/minor conditional use, variance, zone change, etc.
3. Follow-up questions may be directed to the Planning Manager, Gail Kenson, AICP, 10045-55 Overseas Highway, Marathon, Florida 33050, by phone (305-289-4111, or by e-mail to kensong@ci.marathon.fl.us.

12. Cost of Construction
13. Construction timeline, including estimated occupancy date

The project cannot be located in a "VE" flood zone or in an area that would have negative environmental points using the existing ROGO scoring.

The City reserves the right to reject any and all proposals submitted and to request additional information from the proposers. Any award will be made to the proposer(s), which, in the opinion of the City, is best qualified. The City is not responsible for any costs incurred in developing responses to this RFP.